

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION
NO. 5:13-CR-306-1H
NO. 5:13-CR-306-2H

FILED IN OPEN COURT
ON 4/9/14
Julie A. Richards, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA :
:
v. :
:
DERRICK LYNDON WOOTEN :
AMBER RENEE VANCE :
:

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendants, Derrick Lyndon Wooten, and Amber Renee Vance, on December 9, 2013, and the entry of Consents to Forfeiture entered into by the defendants on April 9, 2014, the following property is hereby forfeitable pursuant to 18 U.S.C. § 1028 (b), as firearms used in knowing violation of 18 U.S.C. §§ 1028 (a) (3) to wit:

- a) A Ruger model SR9 9mm caliber semi-automatic pistol bearing Serial Number 331-70458, and any and all accompanying ammunition;
- b) Jimenez Arms model J.A. 380 .380 caliber semi-automatic pistol bearing Serial Number 123689, and any and all accompanying ammunition.

WHEREAS, by virtue of said Memorandum of Plea Agreement and Consents to Forfeiture, the United States is now entitled to

possession of said property pursuant to 18 U.S.C. § 924 (d) (1).

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memoranda of Plea Agreement and Consents to Forfeiture as to the defendants, Derrick Lyndon Wooten and Amber Renee Vance, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendants.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30

days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 9th day of April, 2014.



MALCOM J. HOWARD
United States District Judge